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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,828	09/23/2003	James A. Bowman	03003-02	1972

7590 08/11/2004

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EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,828

Applicant(s)

BOWMAN, JAMES A.

Examiner

Saeed T Chaudhry

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 17-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Applicant's preliminary amendments and remarks filed September 23, 2004 have been acknowledged by the examiner and entered. Claims 1-16 have been canceled and claim 17-27 are pending in this application for consideration.

Claim Rejections - 35 USC § 112

Claim 17-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "items such as" in claims 17 and 27 renders the claim indefinite since the resulting claim does not clearly set forth the means and bounds of the patent protection desired. Ex parte Steigewald, 131 USPQ 74.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Runion in view of DeLoach.

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Runion (5,551,460) disclose a method for cleaning poultry nest pads by moving the pads on a conveyor between a plurality of cleaning stations. The cleaning involving first bending the pads prior to wetting in order to separate debris and dried manure by cracking and breaking from the projections of the pad and to further expose the internal pad recesses, then spraying the pads with a cleaning fluid at high pressure in a wiping motion across the bent pad, and then spraying with a sheet of cleaning fluid at low pressure across the top and bottom surfaces of the pad while it is in an inverted orientation over a tank or receptacle for receiving the debris, manure and spent cleaning fluid (see abstract). The reference fails to disclose that the pads are rotated in a rotatable horizontal axis tub, which is mounted on a wheeled frame.

DeLoach (4,682,613) discloses a method for cleaning loose fill media typically fabricated of polypropylene and polystyrene by loading the media in the drum, immersing the media in a solvent, tumbling the media in the drum, spraying the media with a solvent at high pressure and unloading the media (see col. 3, lines 5-27).

The platform 30 located beneath cylinder 10 for holding liquid in pan 32. Pan 32 is designed to hold a liquid in which to immerse a portion of cylinder 10 and the loose fill media in that portion of the cylinder. Because cylinder 10 is caused to rotate, media in other portions of cylinder 10 will also be periodically immersed in the liquid. Pan 32 is also designed to collect liquid which drips from cylinder 10 and the contained media. Pan 32 is provided with outwardly inclined, removable walls to assist in the collection of liquid which splashes from cylinder 10. Pan 32 can be drained by transferring the liquid through conduit 34, having valve 36 connected therein, to tank 38, using pump 37. With the liquid drained from pan 32, it is possible to remove any or all of the sides of pan 32, such as the side extending across the back. This expedient is

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not necessary if the sides of pan 32 do not extend excessively high, for cylinder 10 is raised for unloading the loose fill media therefrom. Liquid contained within tank 38 may be sprayed upon the loose fill media contained in cylinder 10 through the use of pump 46 which delivers the liquid through hose 48. Tank 38 may contain the solvent or clean water for rinsing (see col. 3, line 55 to col. 4 line 19).

It would have been obvious at the time applicant invented the claimed process to incorporate the cited steps of tumbling articles in a tub and a wheeled cart as disclosed by DeLoach into the process of cleaning poultry pads of Runion for the purpose to enhance the cleaning effect by tumbling in spraying tub and to perform the cleaning on the poultry pads by moving the cleaning apparatus on site for the purpose of cost efficiency. Further, the poultry pads are made of polymers. Therefore, one of ordinary skill in the art would have reasonable expectation that by tumbling in a tub as disclose by DeLoach would not damage the pads and would enhance the cleaning effect.

Allowable Subject Matter

Claim 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 22-27 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

Reasons For Allowable Subject Matter

The following is an Examiner's statement of reasons for the indication of allowable subject matter:

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None of the prior art discloses or suggests placing side guard on the frame adjacent the tub and closing the side guard before rotating the tub.

The Prior art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saurenman (3,991,779) discloses a horizontal axis washer for medical equipment.

Spended (4,489,574), Farrington et al (5,219,370) and Pastryk et al (5,345,637) disclose horizontal axis textile washers.

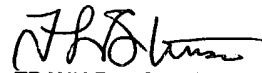
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Saeed T. Chaudhry
Patent Examiner


FRANKIE L. STINSON
PRIMARY EXAMINER
GROUP 3400 1700